

**Amendments to the Drawings**

The attached Fig. 7 of drawings includes changes to Fig. 7. This Fig. 7 replaces the original Fig. 7 of drawings.

### **Remarks**

The allowance of claims 1-3, 6 and 11-14 is noted with appreciation.

Claim 4 was objected to. Language inadvertently not cancelled from claim 4 in the previous response ("a method according to claim 3") has now been deleted. Therefore, this objection should be withdrawn.

Claims 4 and 8-10 have been rejected under 35 U.S.C. § 102(b) on the basis of U.S. Patent No. 6,299,261 to Weiberle. This rejection is respectfully traversed.

As Weiberle is understood, this reference simply does not anticipate claims 4 and 8-10.

As Weiberle is understood, there is no teaching in this reference of applying a first parking brake to brake at least one wheel attached to a first end portion of a first axle at one side of the vehicle without applying a parking brake to any wheel at the other end portion of the first axle opposite to said one end portion of the first axle and applying a second parking brake to brake at least one wheel attached to a second end portion of a second axle at the second side of the vehicle opposite to the first side of the vehicle and wherein the first and second parking brakes are the only parking brakes on the vehicle at the wheels of the rear tandem axle.

Reference input variable  $F_v$  (Col. 8, lines 24-28) is obtained from the driver's intention regarding the operating brake and the parking brake and is supplied to the two wheel units of the front axle. In addition,  $F_H$  is a corresponding reference input variable for the wheel units assigned to the rear axle (Col. 8, lines 22-24). This indicates that service brakes (operating brakes) and parking brakes are located at both ends of the axles in Wieberle.

In addition, although Weiberle appears to permit at least some individual adjustment of brake application forces and braking torques based on various factors including those obtained when a vehicle is moving such as wheel specific rotational speeds and drive dynamics (see for example Col. 6, lines 47-67), there is no disclosure of the operating of parking brakes to at least one wheel at a first end portion of a first axle at one side of a vehicle and to at least one wheel at a second end portion of a second axle at the opposite side of the vehicle, such as required by claim 4. It is submitted that, when a vehicle is being parked in Weiberle, the parking brakes at each end of a first axle and at each end of a second axle would be applied. Therefore, claim 4 is allowable over Weiberle.

With reference to claim 8, there is no disclosure in Weiberle of applying a first parking brake to a first wheel of one of the first and second axles, applying a second parking brake to a second wheel of the other of the first and second axles, the second wheel being at the opposite side of the longitudinal axis from the first wheel and wherein the first and second parking brakes are the only parking brakes that are applied.

There is no disclosure in Weiberle only applying opposite first and second parking brakes as parking brakes. Therefore, claim 8 should be allowable over this cited reference.

With respect to claim 9, there is no disclosure in Weiberle of applying the parking brake to at least one wheel on the front axle of tandem front and rear axles located at the side of the longitudinal axis of the vehicle which is heaviest when the vehicle is unloaded and applying the parking brake to at least one wheel on the rear axle located at the side of the longitudinal axis of the vehicle which is lightest when the vehicle is unloaded.

There is no disclosure understood in Weiberle of applying parking brakes in this manner based on the heaviest and lightest sides of an unloaded vehicle.

With respect to claim 10, Weiberle does not disclose only applying parking brakes at first and second locations where the first location is at one side of the vehicle corresponding to the heaviest side of the unloaded vehicle and the second location is at a second side of a vehicle corresponding to the lightest side of the unloaded vehicle.

Therefore, claims 4 and 8-10 are allowable over Weiberle.

Claims 4 and 8-10 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (Great Britain reference 2286232). This rejection is respectfully traversed. Claim 4, in addition to other requirements, specifies that the service brakes are not used as both parking brakes and service brakes, in combination with applying first and second parking brakes as required by claim 4.

According to the Examiner, Smith uses service brakes as parking brakes when parking the vehicle. However, Smith does not anticipate claim 4 as this claim now requires that the service brakes are not used as both parking brakes and service brakes.

Claim 8 specifies the application of a first parking brake to a first wheel of one of the first and second axles and a second parking brake to a second wheel of the other of the first and second axles, second wheel being at the opposite side of the longitudinal axis from the first wheel. This claim also specifies the act of releasing a parking brake lever to release the parking

brakes. An exemplary parking brake actuator such as a lever is indicated at 44 in Fig. 7 (see page 9, line 3 of applicants' specification). In contrast, the thrust of Smith involves anti-theft systems for vehicles which "enables the brakes to be applied continuously when the vehicle is unoccupied and is required to be released by use of an appropriate key or by entry of a pre-determined release code". (Bottom of page 1 and top of page 2 of Smith.) See also page 4 of Smith, the last paragraph, discussing using a key to operate an actuator or an electrical switch operated by a key or a pre-determined pin number. Thus, Smith utilizes a special security enhanced mechanism to release his service brakes when used in parking a vehicle and does not disclose releasing a parking brake lever to release the parking brake. Smith would not be modified to use a lever to release the brakes used when parking a vehicle because this would bypass his security features.

Claim 9, in addition to other requirements, specifies "permitting the application of service brakes to wheels at both ends of the front and rear axles while the parking brakes are applied to said at least one front and at least one rear wheel."

In contrast, page of Smith explains how isolation of the brakes used to park a vehicle can take place using the Smith system. Therefore, claim 9 should be allowed.

Claim 10 requires a method of applying parking brakes to a moving vehicle having both parking brakes and service brakes. This claim also requires applying parking brake force at a first location at one side of the vehicle corresponding to the heaviest side of the unloaded vehicle and applying a parking brake force in a second location at a second side of the vehicle corresponding to the lightest side of the unloaded vehicle, and also permitting the simultaneous application of the parking brakes and service brakes at said first and second locations.

As Smith is understood, assuming that the Smith service brakes are deemed parking brakes, when service brakes are used as parking brakes the service brakes are isolated and simultaneous application of parking brakes and service brakes is no longer permitted.

Therefore, claim 10 should be allowed.

Claims 5 and 7 have been rejected under 35 U.S.C. § 103 based on Smith in view of Ross et al.

This rejection is respectfully traversed. Claim 5 has been made dependent upon claim 1 and should be allowable in view of the allowability of its parent claim 1 and because of the independently patentable combination of requirements set forth in claim 5.

Claim 7, in addition to other requirements, now requires “permitting the application of service brakes to wheels of the vehicle including said diagonally disposed wheels while the parking brakes are applied.”

This is not shown or suggested by the cited combination of references.

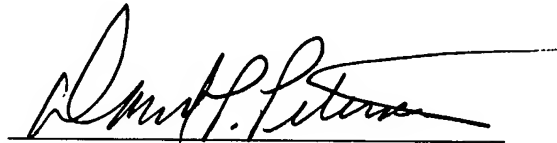
Therefore, claim 7 should also be allowed.

The application is now believed in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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